

AN ACT CONCERNING THE LANDS LATELY OBTAINED BY TREATY FROM THE CHEROKEE INDIANS.

(Passed at the session of 1821.)

Governor to direct the sale of Cherokee lands.

1. *Be it enacted, &c.*, That the governor be, and he is hereby authorized to direct the sale of so much of the lands acquired from the Cherokee Indians as have been surveyed, and yet remain unsold, at such time and place as he may deem proper, under the direction of a commissioner to be by him appointed for that purpose, after having first advertised the same for at least one month, in the papers of this city, in the Western Carolinian, of Salisbury, and in such other papers as he may think proper; which sale shall be kept open for two weeks and no longer.

Commissioner to give bond in thirty thousand dollars.

His compensation.

2. *Be it enacted*, That the commissioner so appointed shall give bond with security in the sum of thirty thousand dollars, payable to the governor, for the faithful performance of his duty, and that he receive as a compensation for his services the sum of five dollars for each and every day he attends said sale, and the sum of four dollars for every thirty miles from his residence to the place of sale, and back again; and should it be deemed necessary for him to attend at Raleigh for the settlement of his accounts, he shall receive the sum of three dollars for every thirty miles to and from the same.

Certain sections continued in force.

3. *Be it enacted*, That the provisions of the seventh, tenth, twelfth, thirteenth, sixteenth and eighteenth sections of an act, passed in the year one thousand eight hundred and nineteen, entitled "An act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians," be, and the same are hereby continued in force.

Commissioner to postpone sale if the lands do not command the proper prices.

4. *Be it enacted*, That, if during the sale, any section of land noticed to be of the first quality, shall not command in market the sum of three dollars, and in like manner lands of second quality not commanding two dollars, and lands of third quality not commanding one dollar and fifty cents, the commissioner shall postpone the sale of such lands until further directed by the legislature; and where the commissioner discovers that any section of land is likely to bring less than its value, either for the want of competition, or from a combination among the bidders, he shall bid off the same for the State.

Commissioner to ascertain what lands are in dispute between Indians and persons claiming under this State.

5. *Be it enacted*, That the commissioner aforesaid shall ascertain what sections or pieces of lands are now in dispute between the Indians claiming under the treaties and the persons holding under the State, and report the same to the treasurer, who, upon this or any other correct information, shall forbear to proceed in the collection of the bonds due from such persons until the controversy shall be decided by the proper tribunal; and in the event the persons holding under the State are ejected by the Indians, then, upon due proof of that fact, the treasurer shall refund to such persons ejected whatever sums of money they may